

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES SAMPSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	CASE NO. 1:17-cv-00658-MRB
)	
v.)	Judge Michael R. Barrett
)	
HAVERHILL COKE)	Magistrate Judge Karen L. Litkovitz
COMPANY, <i>et al.</i>)	
)	
Defendants.)	

DEFENDANTS’ COMBINED MOTION AND MEMORANDUM FOR LEAVE TO FILE
NOTICE OF MATERIAL DEVELOPMENTS REGARDING DEFENDANTS’
OPPOSITION TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 7 and S.D. Ohio Civ. R. 7.2(a)(2), Defendants SunCoke Energy, Inc. and Haverhill Coke Company respectfully move for leave to notify the Court of material developments regarding the Ohio Environmental Protection Agency’s (“OEPA”) issuance of a Title V operating permit for Defendants’ facility in Franklin Furnace, Ohio (“the Facility”). Following the May 2018 issuance of a draft Title V Permit for public comment, and a public hearing on that draft in August 2018, OEPA investigated allegations that the Facility was violating OAC 3725-15-07 (“the Nuisance Rule”). Then, on February 8, 2019, OEPA issued a Preliminary Proposed Title V Permit for the Facility and, on June 14, 2019, OEPA issued a Proposed Title V Permit for the Facility. Defendants request leave to provide this supplemental authority and related information regarding these developments because they are material to the Court’s evaluation of Plaintiffs’ Motion for a Preliminary Injunction. A copy of Defendants’ proposed filing is attached hereto as Exhibit 1.

Dated: June 20, 2019

Respectfully submitted,

s/ Shane A. Farolino

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to D. David Altman, daltman@environlaw.com; Justin D. Newman, jnewman@environlaw.com; and Robin A. Burgess, rburgess@environlaw.com by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Roy D. Prather

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